IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24876 of 2007

DATED: 26.11.2007

Between:
Vanjari Venkatesh petitioner

And

Asst Divisional Engineer Elect (Operations)
APCPDCL Ltd
Sainikpuri, R R District and another Respondents

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ORAL ORDER:

This writ petition is filed questioning the action of the respondents in laying electric poles on the agricultural land in the land belonging to the petitioner in Survey Nos. 9 and 10 of Kundanpally village, Keesara mandal, Rangareddy district, as illegal and arbitrary.

The petitioner claims that he is one of the co-pattadar and possessor of agricultural land admeasuring in an extent of Ac. 28-21 guntas in Survey Nos.9 and 10 of Kundanpalli village, Keesara mandal, Rangareddy district, and there are certain civil disputes pending among the family members. It is stated that on 24.10.2007 the subordinates of the respondents tried to dig pits in their land to erect electric poles, for which the petitioner and his family members objected, on the ground that prior notice was given to them and that erection of the poles would cause damage to their property. The petitioner contends that the respondents can erect the electric poles on the road margins, but without erecting them on the road margins, and without issuing notice to them, the respondents are trying to erect the electric poles on the land belonging to them. Hence, the present writ petition.

Today when the matter is taken up, learned Standing Counsel for

the respondents submitted that M/s. Sri Laxmi Hatcharies Limited, Kareemaguda, made an application dated 5.11.2007 stating that Mr V Vijay Bhaskar Reddy, Director of the company, is the owner of Plot Nos 1 and 2 , Phase I, admeasuring 600 sqs yards, in Survey Nos. 9 and 10, Kundanpally, Keesara mandal, Rangareddy district, having purchased the same vide registered sale deed No. 7242 of 2007, and requested them to provide 11 KV electricity supply. Therefore, with a view to provide electricity supply, the sought to erect the poles. It is further submitted that the petitioner has no title over the subject property, and his request to provide pattadar passbook was rejected by the Joint Collector in a revision filed by him along with others under Section 9 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, vide orders in proceedings No. D5/1240/2001 dated 1.10.2001. Copies of the order of the Joint Collector dated 1.10.2001, and the registered sale deed, under which Mr Vijay Bhasker Reddy, is said to have purchased the land in which they are erecting the poles, is produced before the Court.

Heard the learned counsel for petitioner and the learned Standing counsel for respondents and perused the material available on record.

Though the petitioner claims that he is one of the co-owners of the land in question, and that respondents without issuing any notice, are seeking to erect poles in the land, the same is disputed by the respondents, contending that the said land belongs to M/s. Sri. Laxmi Hatcheries Limited, and that its Director, one Mr. Vijay Bhaskar Reddy, who purchased the same under a registered sale deed, made a

request for power supply, and therefore, they sought to erect the electric poles through the land. This apart, it is stated that the request of the petitioner for issuance of Pattadar Pass Books, was rejected by the Joint Collector, a copy of the same is produced before the Court.

According to the own admission of the petitioner, there are civil disputes among the family members in respect of the property in which the respondents are seeking to erect electric poles. In such circumstances, it cannot be said whether the petitioner is the absolute owner of the subject agricultural land or not. Be that as it may, the question as to whether the petitioner is the absolute owner of the property or he along with the others is entitled to share in the property, and whether the respondents are erecting the poles in the land belonging to the petitioner, and if so, whether any damage is being caused, entitling him to seek damages etc., and are all disputed questions of fact, which cannot be gone into in the writ petition, and no direction can be granted to the respondents not to erect poles in the land in question, and more so when it is the case of the respondents that the person who is seeking electricity supply has produced sale deed to show that he is the owner of the land in which they are erecting electric poles pursuant to his request for electric supply.

Hence, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

DATE: 26.11.2007
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